

**RESPONSE TO THE OBJECTIONS**

The Office Action asserts that the Figures and the Description of Figures in the Specification are inconsistent with each other. Specifically, the Office Action mailed on 19 October 2004 states:

- 3) "The drawings filed 05-03-2004 have been received. However, an inconsistency exists between the drawings and the Brief Description of the Drawings in the specification."
- 4) "Figure 3 is contained in the Drawings but not listed in the Brief Description of the Drawings in the specification."

This description of the status of the Drawings and the descriptions in the specification are believed to be in error.

In the Office Action titled "AMENDMENT AFTER *EX PARTE* QUAYLE ACTION" dated 28 July 2003, there was a cancellation of Figures 2A and 2B on page 6 of that Amendment.

On 6 May 2004, in a submission to the Official Draftsman, 2 Pages of Replacement Formal Drawings were submitted as Figures 1 (a schematic) and Figure 2 (a block diagram). Only two Figures remain in the Application, original Figures 2A and 2B having been cancelled, and Figure 3 being renumbered as Figure 2 in view of the cancellation of Figures 2A and 2B.

The specification properly refers to only two (2) figures, Figure 1 (as originally filed and as submitted as a formal and approved Drawing on 6 May 2004) and Figure 2, the block diagram (also submitted as renumbered Figure 2).

Therefore, according to the file history of Applicants, the specification refers to:

"FIG. 1 is a schematic diagram of one embodiment of an apparatus for providing pigment dispersions of the present invention.

FIG. 2 is a block diagram of the process of the invention."

The actual and only Figures remaining in the Application are Figure 1 and Figure 2, and those figures correspond exactly with the description in the Brief Description of the Drawings section of the specification.

It is therefore believed that the asserted "inconsistency" does not exist and that the objection in the Office Action mailed 19 October 2004 does not exist.

It may be, as a hypothetical guess as to why this objection was presented, that the PTO did not recognize that the submission of Figure 2 (amended Figure 3) in the transmission to the Official Draftsman of 6 May 2004 was an amending and correction and renumbering of Figure 3, and that there would no longer be a Figure numbered "3" in view of the cancellation of 2A and 2B and the required renumbering of original Figure 3 to Figure 2.

If formal cancellation of the original Figure 3 is needed, **Applicants hereby authorize cancellation of the original Figure 3, which has been renumbered as Figure 2 in the Correspondence to the official Draftsman mailed 6 May 2004.**

**CONCLUSION**

Applicants through their counsel have addressed each and every issue raised in the Office Action. There are only two (2) Figures in the present application, Figure 1 (a schematic) and Figure 2 (a block diagram). The specification in the Brief Description of the Drawings properly identifies and describes these two figures.

The objection is in error and must be withdrawn.

The application should be allowed to pass to issue without further delay.

**If there are any issues that the U.S. Patent and Trademark Office wishes to discuss, the personnel are courteously invited to call the attorney of record, Mark A. Litman at 952.832.9090.**

Respectfully submitted,

GARY A. POZARNISKY, et al.

By Their Representatives,

MARK A. LITMAN & ASSOCIATES, P.A.  
York Business Center, Suite 205  
3209 West 76<sup>th</sup> Street  
Edina, Minnesota 55435  
(952) 832-9090

Date: 5 November 2004

By:   
Mark A. Litman Reg. No. 26,390

I hereby certify that this paper is being transmitted by facsimile to the United States Patent and Trademark Office on the date shown below.



Mark A. Litman

5 November 2004

Date